

# **EXHIBIT 55**

11/13/2024

Richard Kadrey, et al. v. Meta Platforms, Inc.  
Highly Confidential

Michael Patrick Clark

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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

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RICHARD KADREY, et al., )  
)  
Individual and Representative ) Lead Case No.  
Plaintiffs, )  
) 3:23-cv-03417-VC  
v. )  
)  
Meta Platforms, Inc., )  
)  
Defendant. )  

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)

\*\* H I G H L Y C O N F I D E N T I A L \*\*

30(b)(1) VIDEOTAPED DEPOSITION OF  
MICHAEL PATRICK CLARK

Denver, Colorado

Wednesday, November 13, 2024

Reported stenographically by:  
Michelle Kirkpatrick, RDR-CRR-CRC-CRI, FCRR

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1 was pirated or stolen?

2 A There was a process in place to evaluate  
3 each dataset that was presented, and then counsel  
4 would provide feedback on what the potential risk  
5 was and what mitigations needed to be applied in  
6 the -- you know, in that spring '23 time frame; and  
7 then a dataset would either be approved or not  
8 approved to be able to be used. And if it was  
9 approved, the mitigations needed to be applied.

10 BY MR. STEIN:

11 Q If an employee were to mention or state  
12 that a dataset was pirated or stolen, what was the  
13 policy in place for handling that data?

14 MS. HARTNETT: Object to the form.

15 A Spring '23 time frame?

16 BY MR. STEIN:

17 Q Yes, Mr. Clark.

18 A Was that in a conversation, like -- I --  
19 is this a hypothetical or is this an actual  
20 question?

21 Q Just answer the question that's posed to  
22 you, which is: If an employee were to state or

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1 mention that a dataset were pirated or stolen, what  
2 policy was in place for responding to that statement  
3 or mention?

4 MS. HARTNETT: Objection to form.

5 A I'm not aware of a policy that was in  
6 place. If that had happened as part of the dataset  
7 review, what I would expect to happen is for that  
8 employee to have a conversation with IP counsel  
9 about how they have that knowledge and how -- how  
10 and where and why they would define that.

11 I think Meta has taken a stance that data  
12 that is publicly available on the internet is usable  
13 for training in models because of fair use. And  
14 if -- you know, and so I think there would be a  
15 conversation with IP counsel to evaluate that.

16 BY MR. STEIN:

17 Q And did you ever receive any  
18 correspondence or were you copied on any  
19 correspondence that mentioned that a particular  
20 dataset was stolen or pirated?

21 MS. HARTNETT: Object to form.

22 A I do not remember receiving a specific

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1 correspondence around that, but that doesn't mean  
2 that I didn't.

3 BY MR. STEIN:

4 Q Did you ever hear verbally, any employee  
5 tell you or mention to you that a dataset being used  
6 for training was pirated or stolen?

7 MS. HARTNETT: Object to the form.

8 A No, I can't think of that. As -- I don't  
9 recollect that.

10 BY MR. STEIN:

11 Q And would you include pirated or stolen  
12 data in this phrase which you just mentioned called  
13 "publicly available data"?

14 MS. HARTNETT: Objection to the form.

15 A So the only way I would know if something  
16 was pirated or stolen is if something  
17 self-identified. And that was removed.

18 And so for everything else, I -- I  
19 wouldn't know -- I wouldn't know.

20 Q If there were pirated or stolen data that  
21 was being used to train Llama, would you call that  
22 data publicly available using the term you just

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1 used?

2 MS. HARTNETT: Objection to the form.

3 A Those are two different classifications.

4 That's like talking about a tape being VHS or -- and

5 an apple being a Honeycrisp. Like, those are

6 talking about two different types of things.

7 BY MR. STEIN:

8 Q So am I to understand that publicly

9 available data does not include pirated or stolen

10 data?

11 MS. HARTNETT: Objection. Misstates his  
12 testimony.

13 A Publicly available data may include  
14 pirated or stolen data. The only pirated or stolen  
15 data that we were aware of would have been things  
16 that self-identified as being pirated or stolen.

17 \\

18 BY MR. STEIN:

19 Q But you're -- in your definition of the  
20 term "publicly available data," would you include  
21 pirated or stolen data?

22 MS. HARTNETT: Object to the form.

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1           A       The way you asked that question, I would  
2       not include that in the definition of what  
3       third-party publicly available data is.

4       BY MR. STEIN:

5           Q       Do you still have that document labeled  
6       603 in front of you?

7           A       I do.

8           Q       Could you take a look at the page ending  
9       in Bates 8363, please?

10          A       8363. Yes.

11          Q       Could you read into the record the  
12       paragraph at the top which begins: "We need to do  
13       this responsibly"?

14          A       "We need to do this responsibly. We  
15       should expect new forms of behaviors and  
16       interactions to emerge from HAI," or Human Agent  
17       Intelligence. "The design of these behaviors and  
18       interactions should be guided by ethical  
19       considerations, for example, questions about AI's  
20       autonomy, bias in decision-making, and its impact on  
21       societal well-being. HAI can enrich people's lives  
22       in many ways if developed responsibly."

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1 Q And with respect to LibGen, would you --  
2 using your own phrasing of "pirated or stolen  
3 material," do you understand LibGen to contain  
4 pirated or stolen material?

5 MS. HARTNETT: Objection to the form.

6 A The example that I had mentioned before,  
7 where the engineers showed me they had found an  
8 example that it was pirated and a title and a  
9 language I can't remember, was from LibGen.

10 And so that answer would be yes.

11 BY MR. STEIN:

12 Q And with respect to the dataset overall,  
13 not just that specific example, is the answer also  
14 yes, that it would -- that you understood it to  
15 contain pirated and stolen material?

16 MS. HARTNETT: Objection to the form.

17 A That question's -- could you ask that a  
18 little clearer?

19 Or -- I will answer that the whole set --  
20 I don't think there's any way to know that that  
21 is -- what I mentioned is I'm aware of one file that  
22 was self-identified as pirated or stolen; and the



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1 STENOGRAPHIC REPORTER'S CERTIFICATE

2 I, Michelle Kirkpatrick, a Registered  
3 Diplomate Reporter, Federal Certified Realtime  
4 Reporter, do hereby certify that previous to the  
5 commencement of the examination, the deponent was duly  
6 sworn by me to testify to the truth.

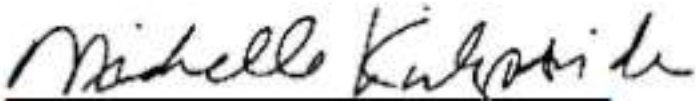
7 I further certify that this deposition  
8 was taken in shorthand by me at the time and place  
9 herein set forth and was thereafter reduced to  
10 typewritten form, and the foregoing constitutes a true  
11 and correct transcript.

12 I further certify that I am not related  
13 to, employed by, nor of counsel for any of the parties  
14 or attorneys herein nor otherwise interested in the  
15 outcome of this action.

16 IN WITNESS WHEREOF, I have hereunto set  
17 my hand this 18th day of November, 2024.

18

19



MICHELLE KIRKPATRICK

20

RDR-CRR-CRC-CRI, FCRR

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Registered Diplomate Reporter

22

Federal Certified Realtime Reporter